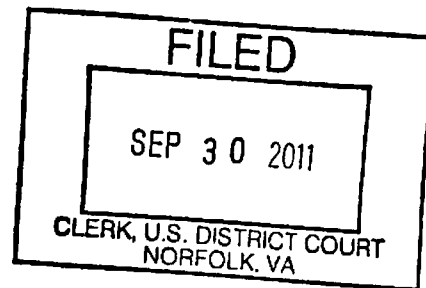


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**



TATYANA A. BABAKAEVA,)
)
Plaintiff,)
)
vs.)
)
ROBERT P. QUADROS *et al.*,)
)
Defendants.)
_____)

Case No: 4:11cv78

RESPONSE TO ORDER TO SHOW CAUSE DATED SEPTEMBER 9, 2011

Plaintiff Tatyana A. Babakaeva, *pro se*, hereby respectfully responds to Order to Show Cause entered by this Court on September 9, 2011 (Doc. 3). The Court ordered that Plaintiff show cause why this action should not be dismissed pursuant to Fed. R. Civ. P. 4(m).

The Rule provides, in part, that if a defendant is not served within 120 days after complaint is filed the action must be dismissed against that defendant. Complaint in this action was filed on May 11, 2001, and the time period for service mandated by Fed. R. Civ. P 4(m) expired on September 8, 2011.

On September 21, 2011 the proof of service of process was filed in compliance with Fed. R. Civ. P. 4(l). The executed summons and affidavits (Doc. 7, Page ID ## 40-48) show that process was served as follows: on defendants Robert P. Quadros and Quadros and Associates P.C. - on August 31, 2011; and on defendant Raymond Bacon - on September 7, 2011. Thus, the action was served on all defendants before the September 8 dead line. Pursuant to Fed.R.Civ.P. 4(l)(3), the fact that the proof of service was filed at a later time does not affect the validity of service which was executed timely.

Moreover, all defendants have appeared generally by jointly filing Answer to Complaint on September 19, 2011 (Doc. 4), which filing waved all objections as to the sufficiency and/or the validity of service. Fed. R. Civ. P. 12(b).

For the foregoing reason, Babakaeva respectfully submits that this action should not be dismissed.

Respectfully submitted,

Tatyana A. Babakaeva
Tatyana A. Babakaeva, *pro se*
2124 Criston Dr.
Newport News, VA 23602
Phone: (757) 249-3072

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September, 2011 a true and accurate copy of the foregoing Response to Order to Show Cause was mailed via first class USPS mail, postage prepaid, to the following individual:

Joseph M. Young
Counsel for Defendants
160 Brambleton Avenue
Norfolk, VA 23510

Tatyana A. Babakaeva
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